

Interim Report to the Joint Standing Committee on Education  
and Cultural Services pursuant to LD 1804  
May 15, 2010

**Rule Status**

The Departments of Health and Human Services and Education have been asked to submit this report regarding the status of the changes in various sections of MaineCare policy, specifically, sections 28 (Rehabilitation and Community Support Services for Children with Cognitive Impairments and Functional Limitations), 41 (Day Treatment), 65 (Behavioral Health Services), 68 (Occupational Therapy Services), 85 (Physical Therapy Services), 96 (Private Duty Nursing and Personal Care Services) and 109 (Speech and Hearing Services) which are services provided and billed by schools. Also of concern to the Committee was the repeal of sections 27 (early intervention) and 104 (School Based Rehabilitation). Attached to this report is the most recent Rule Status Report which addresses changes in each of those rules, as well as any other change in any of the MaineCare rules. This monthly report will be forwarded to the Joint Standing Committee on Education and Cultural Services from now on.

Section 28 addresses services for children with developmental disabilities and allows services to be provided in the child's home, community and in the schools. This rule has been adopted and is effective now.

Section 41, day treatment services has been repealed and the services formerly provided under that section have been moved to section 65. The revisions to section 65 are currently in the APA process. The public hearing was held and the comment period has ended. Once the Department has responded to the comments, the process will be complete. The rule will be effective when the new claims system becomes operational.

Sections 68 (Occupational Therapy Services), 85 (Physical Therapy Services), and 109 (Speech and Hearing Services) are being revised to include schools as an allowable place of service and to make some other changes to accommodate school billing. These changes will be proposed shortly and will then proceed through the APA process in time to be effective when the new claims system becomes operational.

Section 96 (Private Duty Nursing and Personal Care Services) is not being changed, but schools may be able to bill if personal care services are provided to a student during school and both the student and the provider meet the qualifications in the section. This is principally a medical service that would apply only to a medically fragile student.

Section 104 has been repealed effective when the new claims system becomes operational. All of the services that were included in that section can be billed to the section covering the specific service, i.e. occupational therapy, speech therapy, etc.

## **Provider Training and Resource Material**

As with any rule change, the Office of MaineCare Services (OMS) will be doing training statewide on the new rules and how schools will need to bill for the services they provide. There are trainings scheduled across the state and that schedule is attached. As part of the training, school personnel will receive the names of individuals at OMS who are available for assist them individually if issues arise. The training materials are also attached. In addition to the typical training that OMS always does when there are new rules, representatives from both OMS and from APS health care have agreed to participate in the MADSEC Director's Academy and the Superintendent's meeting to explain the changes and answer any questions.

OMS is working to produce a resource manual/guide book which will walk schools through the billing process and will be available to schools by the beginning of the 2010-11 school year. That is a work in progress and we will report more on that in July.

Finally, staff from both Departments have been working to assure that the IEP used by schools statewide contains all of the information necessary to comply with any and all requirements to establish medical necessity for MaineCare billing. If changes need to be made, the IEP form will be revised and distributed statewide by July 1, 2010.

## **Rule Consultation and Review**

LD1804 requires the Department of Health and Human Services to consult with the Commissioner of Education, and the Executive Directors of Maine School Management Association, MADSEC, the Disability Rights Center and the Developmental Disabilities Council. The most effective way to assure that this consultation occurs is to invite these people to attend meetings of the MaineCare Advisory Committee (MAC) which is a statutory committee designed to advise MaineCare about, among other things, policy issues. This group meets once each month and when appropriate forms ad hoc subcommittees to evaluate specific issues. The five individuals have received letters from the Chair of the MAC, Ana Hicks, inviting them to attend the meetings. Copies of those letters are attached. Additionally, whenever changes are considered in any rule which might affect services provided in a school, a separate invitation will be sent to those five individuals, along with a description of the considered changes and their consultation will be requested.

DHHS is also required to invite the Attorney general, and the executive directors of Maine School Management Association, MADSEC, the Disability Rights Center and the Developmental Disabilities Council to review any changes in sections 28, 41, 65, 68, 85, 96 and 109, specifically to determine the impact on schools of any proposed changes in those rules. To that end, Patricia Dushuttle, Director of the OMS Office of Policy and Procedure has notified those individuals that she will be alerting them when any change is contemplated to any of those sections of rule and she will seek their review prior to making any changes in those rules. Copies of those letters are attached.

Both the Departments of Health and Human Services and Education look forward to our continued collaboration in providing appropriate, high quality medical and educational services to the children of Maine.

**MaineCare Provider Training for Medically Necessary School Based Services**

**Registration Form**

*Please circle the date you wish to attend.*

**Date & Time**

July 13<sup>th</sup> 9am-12pm

**Location**

Presque Isle High School  
16 Griffin Street  
Presque Isle, Maine 04769

July 14<sup>th</sup> 9am-12pm

Reeds Middle School  
28A Main Road North  
Hampden, Maine 04444

July 20<sup>th</sup> 9am-12pm

South Portland High School  
637 Highland Avenue  
South Portland, Maine 04106

July 28<sup>th</sup> 9am-12pm

Hall-Dale High School  
97 Maple Street  
Farmingdale, Maine 04344

Provider Name: \_\_\_\_\_

Contact Name (if different than name above): \_\_\_\_\_

Organization / School: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Number of persons attending: \_\_\_\_\_

**Please return completed registration form to:**

Attn: DHHS Customer Service Provider Training  
State House Station # 11  
Augusta, Maine 04333

If you have questions, please contact Linda Leet ([linda.leet@maine.gov](mailto:linda.leet@maine.gov) or 287-9377).